

9/25/01

**THIS DISPOSITION
IS NOT CITABLE AS PRECEDENT
OF THE T.T.A.B.**

Paper No. 16
EJS

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Quicklaw America, Inc.,
By change of name from
Current Legal Resources, Inc.

Serial No. 75/654,685

Stuart Lewine, Secretary of Quicklaw America Inc., pro se.

Tina L. Snapp, Trademark Examining Attorney, Law Office 105
(Thomas G. Howell, Managing Attorney).

Before Seeherman, Hohein and Rogers, Administrative
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

Quicklaw America Inc., by change of name from Current
Legal Resources, Inc., has appealed the final refusal to
register CODE OF FEDERAL REGULATIONS ONLINE for "providing
the updated and editorially enhanced text of the Code of
Federal Regulations in an on-line format, via a global

computer network."¹ Registration has been refused pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that the mark is merely descriptive of applicant's services.

Applicant and the Examining Attorney have submitted briefs, but an oral hearing was not requested.

We affirm the refusal of registration.

A mark is merely descriptive, and therefore prohibited from registration by Section 2(e)(1) of the Act, if it immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of a product or service. It does not have to describe every one of these. It is sufficient if it describes a single, significant quality, feature, function, etc. **In re Venture Lending Associates**, 226 USPQ 285, 286 (TTAB 1985). See also **In re H.U.D.D.L.E.**, 216 USPQ 358 (TTAB 1982); **In re MBAssociates**, 180 USPQ 338 (TTAB 1973).

Applicant's services are identified as "providing the updated and editorially enhanced text of the Code of Federal Regulations in an on-line format, via a global computer network." The identification and specimens make

¹ Application Serial No. 75/654,685, filed March 15, 1999, asserting first use and first use in commerce on January 19, 1999.

clear that applicant provides, in an on-line format, the text of the Code of Federal Regulations. For example, the specimen advertising letter states, "Code of Federal Regulations Online—The most current source of the Code of Federal Regulations with CLR editors performing daily updates from the Federal Register."²

Thus, the term CODE OF FEDERAL REGULATIONS names the subject matter of applicant's services. The word ONLINE also has a readily understood meaning, as the identification shows. When the words are combined in the mark CODE OF FEDERAL REGULATIONS ONLINE and used in connection with the identified services, which involve presenting the Code of Federal Regulations "in an on-line format," the mark immediately and directly conveys information about the subject matter presented by applicant, and the mode by which it is provided.

Applicant asserts that its mark is not merely descriptive because it does not present the Code of Federal Regulations on-line as a static and linear body of text. Rather, applicant "updates its presentation on a daily basis and, in addition to other enhancements, provides a method of performing various types of searches, and a

² CLR (Current Legal Resources, Inc.) refers to applicant, which has now changed its name to Quicklaw America, Inc.

system of hyperlinks enabling a user to jump directly from one place in the text to a related place." Brief, pp. 2-3. As a result, applicant contends that the term CODE OF FEDERAL REGULATIONS ONLINE is only suggestive of the full range of services which applicant offers.

However, as noted above, it is not necessary that a term describe each of the characteristics of an applicant's services in order to be found merely descriptive. In this case, the mark describes an essential characteristic of applicant's on-line services, namely, that the subject matter includes, and indeed focuses on, the Code of Federal Regulations. As such, it is merely descriptive of applicant's services. The fact that the mark does not also describe the various enhancements by which a consumer may search the Code of Federal Regulations does not avoid such a finding.

Nor are we persuaded by applicant's argument that the juxtaposition of CODE OF FEDERAL REGULATIONS and ONLINE in the mark has an incongruous meaning because the Code of Federal Regulations originally existed only in a print format. It is common knowledge that many reference materials that once were found only in paper form are now available through computer networks. Indeed, the NEXIS excerpts submitted by the Examining Attorney refer to the

Code of Federal Regulations being available on-line. See, for example, the following:

LOIS provides primary law research. It now includes 17 states' law online in addition to the U.S. Code, the Code of Federal Regulations and the Federal Register.

"Corporate Legal Times," July 1998

People download more than 8 million documents a month from GPO Access (www.access.gpo.gov), the office's online repository of publications such as the Federal Register, the Code of Federal Regulations and the federal budget.

"Government Executive," May 1998

The full text of all 50 titles of the Code of Federal Regulations is available online through the LOIS Internet Law Library at www.pita.com. The site can be searched with Boolean operators...."

"Illinois Legal Times," February 1998

U.S. Department of Labor www.dol.gov
You can easily find vital statutory and regulatory information online through this Web site. The entire Code of Federal Regulations is online through an in-depth database.

"National Public Accountant," September 1996

Accordingly, consumers of the services identified in applicant's application will not see any incongruity in the mark CODE OF FEDERAL REGULATIONS ONLINE; rather, they will immediately understand from the mark that the Code of Federal Regulations is being presented in an on-line version.

Applicant's reliance on **In re TBG Inc.**, 229 USPQ 759 (TTAB 1986) (SHOWROOM ONLINE found not merely descriptive)

is misplaced; as explained in **In re Putman Publishing Co.**, 39 USPQ2d 2021 (TTAB 1996), SHOWROOM was suggestive for that applicant's services because the applicant did not sell or lease interior furnishings, or otherwise offer, through its computer database, leasing service materials akin to that offered by a showroom. The present case is more akin to Putman, in which FOOD & BEVERAGE ON-LINE was found to be merely descriptive of "a news and information service updated daily for the food processing industry, contained in a database." Just as in Putman, applicant's mark describes the subject matter it presents and the method by which it presents it.

Decision: The refusal of registration is affirmed.